

## **Article 2. Development Review Bodies**

### **2.1 City Council**

#### **A. General**

The City Council will be responsible for final action regarding the text of this UDO and the Official Zoning Map.

#### **B. Powers and Duties**

As provided and established within the City of College Station Charter, the City Council has the following powers and duties regarding this UDO:

##### **1. Appointments**

The City Council shall have the responsibility of appointing and removing any member of the Planning and Zoning Commission (P&Z), Zoning Board of Adjustment (ZBA), and Design Review Board (DRB).

##### **2. Final Action**

The City Council shall hear and take final action on the following:

Development agreements and oversize participation agreements for City participation in cost-sharing of infrastructure improvements;

- a. Conditional use permits;
- b. Zoning map amendments (rezoning);
- c. Text amendments;
- d. Comprehensive Plan amendments;
- e. Impact fee land use decisions and Capital Improvement Plan (CIP) priorities; and
- f. Annexations.

### **2.2 Planning and Zoning Commission**

#### **A. Creation**

The City Council shall provide for the appointment of a Planning and Zoning Commission and the regulations and restrictions adopted shall be pursuant to the provisions of applicable statutory requirements of the State of Texas.

#### **B. Membership and Terms**

##### **1. Number, Appointment**

A Planning and Zoning Commission is hereby created to consist of seven members. An ad hoc member shall be appointed to review impact fee land use assumptions in accordance with § 395 of the TEXAS LOCAL GOVERNMENT CODE. Members shall be residents of the City and eligible voters.

##### **2. Terms**

Terms of members of the Planning and Zoning Commission shall be for two years or until their successors are appointed. Four members shall be appointed in even-numbered years and three members shall be appointed in odd-numbered years.

##### **3. Term Limits**

Terms of office shall be limited to three (3) consecutive two-year terms or seven (7) consecutive years.

**4. Vacancies**

Vacancies shall be filled by the City Council for the unexpired term of any member whose position becomes vacant.

**c. Officers, Meetings, Quorum**

**1. Officers**

A Chairperson shall be appointed annually by the City Council. The Planning and Zoning Commission shall select a Vice-Chair from among its members as needed.

**2. Meetings**

Members of the Planning and Zoning Commission shall meet regularly and the Chairperson shall designate the time and place of such meetings. All meetings of the Commission where a quorum is present shall be open to the public.

**3. Quorum**

Four (4) members shall constitute a quorum for the transaction of any business. Any recommendation advanced to the City Council without a majority of positive votes from those members present shall be deemed a negative report.

**4. Rules of Proceeding**

The Planning and Zoning Commission shall adopt its own rules of procedure.

**5. Minutes**

The Planning and Zoning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Administrator and shall be a public record.

**D. Powers and Duties**

The Planning and Zoning Commission shall have the following powers and duties:

**1. Comprehensive Plan**

The Planning and Zoning Commission shall make recommendations for the effective coordination of the various City departments, committees, and boards, in implementing the Comprehensive Plan.

**2. Recommendations**

The Planning and Zoning Commission shall review and make recommendations to the City Council subject to the terms and conditions set forth for such uses in this UDO for the following:

- a. Conditional use permits;
- b. Zoning map amendments (rezoning);
- c. Text amendments;
- d. Comprehensive Plan amendments;
- e. Impact fee land use decisions;
- f. Capital Improvement Plan (CIP) priorities; and
- g. Annexations.

### **3. Final Action**

The Planning and Zoning commission shall hear and take final action on the following:

- a. Applicable appeals of decisions of the Design Review Board;
- b. Master plans;
- c. Preliminary and final plats, replats, development plats, and minor plats not approved by staff under Section 3.3.H Minor Subdivision Plat Review herein;
- d. Waivers of the standards in Article 8, Subdivision Design and Improvements;
- e. Appeal of the Administrator's denial of a final minor or amending plat;
- f. Appeal of the Administrator's denial to amend the color palette for Northgate roof colors;
- g. Appeal of the Administrator's denial of an alternative parking plan; and
- h. Appeal of the Administrator's interpretation of the provisions of CHAPTER 9, SUBDIVISION REGULATIONS, OF THE CITY OF COLLEGE STATION CODE OF ORDINANCES.

*Per Ordinance No. 2881 (March 23, 2006)*

### **E. Staff**

1. The Administrator shall provide staff, as needed, to the Planning and Zoning Commission.
2. Where ministerial acts have not been completed, the staff shall insure that the changes to plats are completed as approved by the Planning and Zoning Commission.

## **2.3 Zoning Board of Adjustment**

### **A. Creation**

The City Council shall provide for the appointment of a Zoning Board of Adjustment (ZBA) and the regulations and restrictions adopted shall be pursuant to the provisions of applicable statutory requirements of the State of Texas.

### **B. Membership and Terms**

#### **1. Number, Appointment**

The Zoning Board of Adjustment shall consist of five members who are residents of the City and eligible voters. Appointment of members shall be made by the City Council. The City Council may provide for the appointment of four alternate members of the Board of Adjustment who shall serve in the absence of one or more regular members when requested to do so.

#### **2. Terms**

Each member of the Zoning Board of Adjustment shall be appointed for a term of two years, except that two members appointed initially shall have terms of only one year. After the initial appointments, two members shall be appointed in odd-numbered years to maintain a membership of five members. Any alternate members appointed shall serve for the same period as the regular members and any vacancies shall be filled in the same manner as the regular members.

#### **3. Vacancies**

Vacancies shall be filled by the City Council for the unexpired term of any member whose term becomes vacant.

**C. Officers, Meetings, Quorum**

**1. Officers**

A Chairperson shall be appointed annually by the City Council. The ZBA shall select a Vice-Chair from among its members as needed.

**2. Meetings**

Meetings of the Zoning Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson, or in his absence the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board where a quorum is present shall be open to the public.

**3. Quorum**

All cases heard by the Zoning Board of Adjustment will always be heard by a minimum number of four members. Four members shall constitute a quorum for transaction of business and no variance or appeal shall be granted without a concurring vote of four members.

**4. Rules of Proceeding**

The Zoning Board of Adjustment shall adopt its own rules of procedure.

**5. Minutes**

The Zoning Board of Adjustment shall keep minutes of its proceedings, indicating the vote of each member on each question or the fact that a member is absent or fails to vote, and shall keep records of its examinations and other official actions. The minutes and records shall be filed in the office of the Administrator and shall be a public record.

**D. Powers and Duties**

The Zoning Board of Adjustment shall have the following powers and duties:

**1. Variances**

To hear and decide requests for variance from the setback, parking number or dimensions, parking island number or dimensions, sign (excluding sign regulations in the ETJ), maximum height, or lot size or dimension requirements of this UDO. Also, to hear and decide drainage variances (excluding landscaping provisions) when strict application of the provisions of the ordinance would result in unnecessary hardship.

Specifically excluded from the variance process are requests for relief from a site plan requirement imposed by the Administrator when the requirement was necessary to gain compliance with the criteria for approval of a site plan in Section 3.5.E, Site Plan Review Criteria. Such requests will be heard and decided by the Design Review Board.

Also excluded are roadway and infrastructure construction criteria and other subdivision regulations contained with Article 8, Subdivision Design and Improvements. Such requests shall require waivers granted by the Planning and Zoning Commission.

**2. Administrative Appeals**

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, interpretation, or determination made by the Administrator or his designee in the enforcement of this UDO.

**3. Official Zoning Map**

To interpret the intent of the Official Zoning Map where uncertainty exists because the physical features on the ground vary from those on the Official Zoning Map.

**E. Staff**

The Administrator shall provide staff, as needed, to the Zoning Board of Adjustment.

**2.4 Design Review Board**

**A. Creation**

A Design Review Board is hereby established by the City of College Station for the purpose of enhancing the City's ability to review sign, building, and site design issues, including architectural issues as specified in this UDO, by bringing expertise from the community to bear on these issues in designated design districts.

**B. Membership and Terms**

1. The Design Review Board shall consist of seven regular members and two alternate members. Six of the regular members and the two alternate members shall be appointed by the City Council. City Council shall appoint the following to the Design Review Board:

- a. Registered architect
- b. Business person
- c. Landscape architect
- d. Developer or land owner in a design district
- e. Person knowledgeable in aesthetic judgment
- f. Citizen-at-large

Of the members listed above, at least two shall be owners of property or a business within a design district, a resident within a design district, or an individual employed within a design district.

The seventh regular member shall be the Chairman of the Planning and Zoning Commission or his designee.

2. Members shall be appointed for two-year terms.
3. The Design Review Board is a governmental body and shall comply with the OPEN MEETINGS ACT.

**C. Officers, Meetings, Quorum**

**1. Officers**

A Chairperson shall be appointed annually by the City Council. The Board shall select a Vice-Chair from among its members as needed.

**2. Meetings**

Members of the Design Review Board shall meet regularly and the Chairperson shall designate the time and place of such meetings. All meetings of the Board where a quorum is present shall be open to the public.

**3. Quorum**

Four members shall constitute a quorum for the transaction of any business. Any recommendation or decision which does not receive a majority of positive votes from those members present shall be deemed a negative report.

**4. Rules of Proceeding**

The Design Review Board shall adopt its own rules of procedure.

**5. Minutes**

The Design Review Board shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Administrator and shall be a public record.

**D. Powers and Duties**

The Design Review Board has the following powers and duties:

**1. Site and Concept Plans**

The Design Review Board shall hear and take final action on design district site plans and concept plans for Planned Development Districts (PDD) and Planned Mixed-Use Districts (P-MUD).

**2. Wolf Pen Creek District and Overlay District Review**

The Design Review Board shall approve or deny any sign materials and colors in the Wolf Pen Creek District (WPC), and shall approve or deny all alternate building or fence materials and fence height in the Krenek Overlay District, as specified within this UDO.

**3. Wolf Pen Creek Parking Waivers**

The Design Review Board shall hear and decide requests to vary from the amount of required parking in the Wolf Pen Creek District (WPC).

**4. Northgate District Standards Waivers**

The Design Review Board shall hear and decide requests to vary from the standards to Section 5.6.B. Northgate Districts as listed in Section 5.6.B.14 Waivers.

**5. Driveway Appeals**

The Design Review Board shall hear appeals to decisions of the Development Engineer regarding driveway appeals.

**6. Appeal of Requirement Based on Site Plan Review Criteria**

The Design Review Board shall hear and decide appeals of the Administrator's application of site plan requirements to assure compliance with Section 3.5.E, Site Plan Review Criteria.

**7. Buffer Appeals**

The Design Review Board shall hear appeals of buffer requirements listed in Section 7.6, Buffer Requirements.

**8. Non-Residential Architectural Standards Appeals**

The Design Review Board shall hear and decide alternate building materials, colors, required screening, architectural relief elements, and parking lot concepts for non-residential structures, as specified in Section 7.9, Non-Residential Architectural Standards.

*Per Ordinance No. 2881 (March 23, 2006)*

**E. Staff**

The Administrator shall provide staff, as needed, to the Design Review Board.

**2.5 Administrator**

**A. Designation**

The City Manager shall designate the Administrator for the City of College Station. Where this UDO assigns a responsibility, power, or duty to the Administrator, the Administrator may delegate that responsibility, power, or duty to any other agent or employee of the City whom the Administrator may reasonably determine.

**B. Powers and Duties**

The Administrator shall have the following powers and duties:

**1. Administration and Enforcement**

The Administrator shall administer and enforce the provisions of this UDO.

**2. Interpretation**

The Administrator is responsible for interpreting the provisions of this UDO and the provisions of CHAPTER 9 OF THE CITY OF COLLEGE STATION CODE OF ORDINANCES (SUBDIVISION REGULATIONS). The Administrator shall make written interpretations of this UDO and SUBDIVISION REGULATIONS, when requested, setting forth the reasons and explanation therefore.

**3. Building Permits**

The Administrator shall review and certify that the proposed construction, moving, alteration, or use of the land either does or does not comply with the provisions of this UDO prior to issuance of a Building Permit by the Building Official.

**4. Final Action**

The Administrator shall review and take final action on the following:

- a. Sign permits;
- b. Site plans (not Wolf Pen Creek District site plans);
- c. Administrative adjustments;
- d. Minor and amending plats;
- e. Determination of building plot (Section 7.1, General Provisions);
- f. Minor Wolf Pen Creek District projects;
- g. Amendments to the color palette for Northgate roof colors; and
- h. Alternative parking plans (Section 7.2, Off-Street Parking).

*Per Ordinance No. 2881 (March 23, 2006)*

**5. Other Duties**

The Administrator shall perform other duties imposed under the provisions of the CITY OF COLLEGE STATION CODE OF ORDINANCES, as amended from time-to-time.

**2.6 Building Official**

**A. Designation**

The Administrator shall designate the Building Official for the City of College Station. The Building Official may delegate that responsibility, power, or duty to any other agent or employee of the City whom the Building Official may reasonably determine.

**B. Powers and Duties**

The Building Official shall have the following powers and duties:

**1. Building Inspections**

The Building Official shall have the power to conduct inspections of buildings and premises to carry out his duties herein and to determine compliance with the provisions of this UDO.

**2. Building Permits**

The Building Official shall issue Building Permits.

**3. Certificate of Occupancy**

The Building Official shall issue Certificates of Occupancy.

#### **4. Certificates of Completion**

The Building Official shall issue Certificates of Completion.

### **2.7 Development Engineer**

#### **A. Designation**

The City Engineer shall designate the Development Engineer for the City of College Station.

#### **B. Responsibility**

The Development Engineer, or his designee, shall implement, administer, and oversee the provisions, terms, and conditions of all engineering and flood hazard protection requirements within this UDO. The Development Engineer may delegate that responsibility, power, or duty to any other agent or employee of the City whom the Development Engineer may reasonably determine.

#### **C. Powers and Duties**

The Development Engineer has the following powers and duties in regard to engineering requirements and flood hazard protection:

1. Review and approve, approve with conditions, or deny driveway applications;
2. Maintain and hold open for public inspection all records pertaining to the provisions of the flood hazard protection regulations;
3. Review and approve, approve with conditions, or deny all applications for development permits;
4. Assure that adequate inspection of construction permitted under the terms and provisions of this UDO are carried out in accordance with the permitted plan;
5. Maintain, update, and provide to interested parties at a reasonable cost the effective City Drainage Policy and Design Standards/Engineering Standards Manual;
6. Assure that adequate maintenance of drainage pathways, including altered or relocated waterways, is provided such that capacity for carrying stormwater flows is maintained;
7. Provide interpretation, where required, of boundaries of Areas of Special Flood Hazard, location of floodway, and water surface elevations, when disputes arise during review;
8. Provide information to the Zoning Board of Adjustment, Municipal Court, or City Council, as applicable on all variance requests, administrative appeals, enforcement actions, and proposed amendments to the Drainage Policy and Design Standards as required;
9. Review and utilize any acceptable new flood study data in accordance with the Drainage Policy and Design Standards;
10. Notify adjacent communities and the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of notification to the Federal Insurance Administration;
11. Review and make recommendations to the City Council concerning Development Agreements;
12. Interpret the terms and provisions of Section 7.8, Drainage and Stormwater Management, as required, as they apply to each project, in accordance with the stated purpose of that Section;
13. Review permits for proposed development to ensure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required; and
14. Review and approve or deny alternative materials or standards for site construction.



## 2.8 Summary of Review Authority

The following table summarizes the authority of the various review bodies and staff.

PROCEDURE	City Council	P & Z Comm.	Zoning Bd. of Adj.	Design Rev. Bd.	Administrator	Building Official	Dev. Eng.
<b>CITY COUNCIL</b>							
Oversize Participation	D						R
Development Agreement	D				RR		R
Conditional Use permit	D	R			RR		
Zoning Map Amendment	D	R			RR		
Text Amendment	D	R			RR		
Comp. Plan Amendment	D	R			RR		
Impact Fee/CIP Priorities	D	R					
<b>PLANNING &amp; ZONING COMMISSION</b>							
Master Plans		D			RR		R
Preliminary Plat		D			RR		R
Final Plat		D			RR		R
Development Plat		D			RR		R
Waiver of Subdivision Standard		D			RR		R
<b>ZONING BOARD OF ADJUSTMENT</b>							
Variance			D		RR	RR	RR
Administrative Appeal			D		R		
Zoning Map Interpretation			D		R		
<b>DESIGN REVIEW BOARD</b>							
Wolf Pen Creek District Site Plan		A		D	R		
PDD/P-MUD Concept Plan		A		D	R		
Wolf Pen Creek District Building/Sign Review		A		D	R		
WPC Parking Waivers		A		D	R		
NG Waivers				D	R		
Non-Residential Architectural Standards Waiver				D	RR		
<b>ADMINISTRATOR</b>							
Interpretation		A**	A		D		
Sign Permit			A		D		
Site Plan		A		A*	D		
Administrative Adjustment			A		D		
Wolf Pen Creek District Building or Sign, Minor			A		D		
Minor or Amending Plat		A			D		R
PD Concept Plan Minor Amend.		A			D		
NG Roof Color Palette Amendment		A			D		
Alternative Parking Plans		A			D		R
<b>BUILDING OFFICIAL</b>							
Building Permit						D	
Certificate of Occupancy					R	D	
Certificate of Completion					R	D	R
<b>DEVELOPMENT ENGINEER</b>							
Development Permit							D
Driveway Application				A			D
Alternative Const. Material				A			D
*Section 3.5.E Site Plan Review Criteria and 3.6.E Wolf Pen Creek Design District General Site Plan Review Criteria only. **Subdivision Regulations only. <b>KEY: A=Appeal D=Final Action/Decision R=Recommend RR=Review/Report</b>							

**Per Ordinance No. 2881 (March 23, 2006)**